



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Bruno Pigott
Commissioner

February 17, 2017

VIA ELECTRONIC MAIL

Mr. Jeffrey Olyphant
Peabody Midwest Mining, LLC
566 Dickeyville Road
Lynnville, Indiana 47619

Dear Mr. Olyphant:

Re: Modification Request for
NPDES General Permit No. ING040035
IDNR Permit Nos. U-013, U-015, U-021
Peabody Midwest Mining- Air Quality #1 Mine
2388 South Reel Road
Wheatland, Indiana
Knox County

Your NPDES permit Notice of Intent letter received on December 22, 2016, requesting modification of the above-referenced general permit coverage, has been reviewed. The materials request the following change to your coverage:

Existing outfalls **003** (latitude 38°, 38', 11.1", longitude -87°, 20', 23.6", and **013** (latitude 38°, 38', 18", longitude -87°, 19', 51.2"), both discharging to Kessinger Ditch, are to be **changed to Post Mining mine drainage status.**

We have reviewed the NOI and have determined that the mining activities associated with the request are not the result of any new or expanded permitted mining operations. Mining activity is a process of sequential coal removal and reclamation and as mining progresses and reclamation follows these activities will not result in any anticipated discharges to a receiving stream. We have determined that there will not be a new or increased loading of pollutants into the receiving stream(s), therefore the approval of this modification of coverage is in compliance with the antidegradation standards at 327 IAC 2-1.3.

The request has been processed in accordance with Section 402 and 405 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), and IDEM's permitting authority under IC 13-15. We have been in contact with representatives of the IDNR in Jasonville, Indiana who have confirmed that the drainage areas reporting to Outfall 003 and to Outfall 013 have been fully reclaimed and are well vegetated. They concur, as does our office, that this request may therefore be granted. Coverage for the facility will now include all outfalls listed on the first table of Attachment 1 to this correspondence.

The NPDES general permit coverage number assigned to this facility in the previous approval will continue to apply. Reporting is to be done using the federal Discharge Monitoring Report (DMR) form and the state Monthly Monitoring Report (MMR) form. The MMR form can be found on the internet at <http://www.in.gov/idem/cleanwater/2396.htm>. Both the state and federal forms need to be completed and submitted on a routine basis. Please note that IDEM will no longer accept paper DMR or MMR forms. All NPDES permit holders are required to



A State that Works

Mr. Jeffrey Olyphant
Page 2

submit their monitoring data to IDEM using NetDMR. Please contact Helen Demmings at (317) 232-8815 if you would like more information on NetDMR. Information is also available on our website at <http://IN.gov/idem/cleanwater/2422.htm>

Due to quarterly reporting requirements this modification shall become effective on **April 1, 2017**, unless a person aggrieved or adversely affected by the acceptance appeals this decision. Coverage under 327 IAC 15-7 for all remaining outfalls remains effective, and will expire on **September 30, 2019**. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as required by the Indiana Department of Environmental Management no later than ninety (90) days prior to the date of expiration.

Please note that IDEM shall serve notice of its decision to accept your facility for coverage under the general permit in accordance with the requirements of 327 IAC 5-3-14. It should also be noted that any appeal must be filed under procedures outlined in IC 13-15-6, IC 4-21.5, and the enclosed Public Notice. The appeal must be initiated by filing a petition for administrative review with the Office of Environmental Adjudication (OEA) within fifteen (15) days of the emailing of an electronic copy of this letter or within eighteen (18) days of the mailing of this letter. A copy must also be served upon IDEM. Addresses are:

Director
Office of Environmental Adjudication
Indiana Government Center North
Room 501
100 North Senate Avenue
Indianapolis, IN 46204

Commissioner
Indiana Department of Environmental Management
Indiana Government Center North
Room 1301
100 North Senate Avenue
Indianapolis, IN 46204

The Office of Environmental Adjudication will provide parties who request review of this approval with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the Office of Environmental Adjudication.

If you have any questions regarding this letter, please contact Ms. Sheri L. Jordan of our office at (317) 232-8703.

Sincerely,



Catherine Hess, Chief
Permits Administration Section
Office of Water Quality

Slj/

Attachment

cc: Knox County Health Department
IDNR, Division of Reclamation

ATTACHMENT 1

Peabody Midwest Mining LLC Air Quality #1 MineNPDES PERMIT NO. ING040035EFFECTIVE DATE: April 1, 2017CORRESPONDS TO IDNR PERMITS U-013, U-015, U-021

OUTFALLS PERMITTED FOR THIS FACILITY

OUTFALL	DNR BASIN	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
<u>003**</u>	U- 013 003	38°, 38', 11.1"	-87°, 20', 23.6"	<u>Post-Mining</u>	Kessinger Ditch
007**	U-013 007	38°, 38', 55.3"	-87°, 20', 15.1"	Alkaline	Kessinger Ditch
011**	U-021 010	38°, 37', 26.1"	-87°, 26', 59.3"	Post-Mining	Unnamed tributary to Williams Ditch
012**	U-013 012	38°, 38', 52.5"	-87°, 20', 8.5"	Alkaline	Kessinger Ditch
<u>013**</u>	U-013 013	38°, 38', 18.5"	-87°, 19', 51.2"	<u>Post-Mining</u>	Kessinger Ditch
108	U-013 008	38°, 39', 19"	-87°, 20', 48"	Post-Mining	Kessinger Ditch
110	U-013 010	38°, 39', 20"	-87°, 21', 1"	Post-Mining	Kessinger Ditch

** latitudes and longitudes corrected to as-built locations 07/01/2012

The following outfalls are no longer covered under this permit:

008**	U-013 008	38°, 39', 16.3"	-87°, 20', 45.8"	Replaced with Outfall 108	Kessinger Ditch
009	U-013 009	38°, 38', 35"	-87°, 21', 30"	Undetermined	Kessinger Ditch
010**	U-013 010	38°, 39', 22.5"	-87°, 21', 1.3"	Replaced with Outfall 110	Kessinger Ditch

**STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

PUBLIC NOTICE NO. 2017 – 2D -GP

DATE OF NOTICE: February 17, 2017

The Office of Water Quality approves the following for NPDES GENERAL PERMIT coverage.

MODIFICATION

PEABODY MIDWEST MINING, LLC – AIR QUALITY #1 MINE, Permit No. ING040035, KNOX COUNTY, Wheatland, IN. This modification is being issued because the facility is changing mine drainage status on 2 outfalls that will discharge to Kessinger Ditch. The Notice of Intent (NOI) letter submitted complies with the requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing and Reclamation Activities. Permit Writer: Sheri Jordan at 317/232-8703..

Notice of Right to Administrative Review

If you wish to challenge this permit, you must file a Petition for Administrative Review with the Office of Environmental Adjudication (OEA), and serve a copy of the petition upon IDEM. The requirements for filing a Petition for Administrative Review are found in IC 4-21.5-3-7, IC 13-15-6-1 and 315 IAC 1-3-2. A summary of the requirements of these laws is provided below.

A Petition for Administrative Review must be filed with the Office of Environmental Adjudication (OEA) within fifteen (15) days of the issuance of this notice (eighteen (18) days if you received this notice by U.S. Mail), and a copy must be served upon IDEM. Addresses are:

Director
Office of Environmental Adjudication
Indiana Government Center North
Room 501
100 North Senate Avenue
Indianapolis, Indiana 46204

Commissioner
Indiana Department of Environmental Management
Indiana Government Center North
Room 1301
100 North Senate Avenue
Indianapolis, Indiana 46204

The petition must contain the following information:

1. The name, address and telephone number of each petitioner.
2. A description of each petitioner's interest in the permit.
3. A statement of facts demonstrating that each petitioner is:
 - a. a person to whom the order is directed;
 - b. aggrieved or adversely affected by the permit; or
 - c. entitled to administrative review under any law.
4. The reasons for the request for administrative review.
5. The particular legal issues proposed for review.
6. The alleged environmental concerns or technical deficiencies of the permit.
7. The permit terms and conditions that the petitioner believes would be appropriate and would comply with the law.
8. The identity of any persons represented by the petitioner.
9. The identity of the person against whom administrative review is sought.
10. A copy of the permit that is the basis of the petition.
11. A statement identifying petitioner's attorney or other representative, if any.

Failure to meet the requirements of the law with respect to a Petition for Administrative Review may result in a waiver of your right to seek administrative review of the permit. Examples are:

1. Failure to file a Petition by the applicable deadline;
2. Failure to serve a copy of the Petition upon IDEM when it is filed; or
3. Failure to include the information required by law.



Indiana Department of Environmental Management
 NPDES General Permit Notice of Intent (NOI) Letter Submittal Application
 327 IAC 15-7 Facilities Engaging in Mining of Coal, Coal Processing and Reclamation Activities

I. PURPOSE OF SUBMITTAL:				12/19/2016
Please check one box. Also provide existing permit number and reason for modification if applicable. You may attach additional sheets if they are needed.				
NEW	RENEW	MODIFY	EXISTING PERMIT NO.	IF MODIFICATION WHAT IS CHANGING
		X	ING040035	Outfall 003 and 013 drainage status change from alkaline to reclamation

II. GENERAL INFORMATION										
Complete all boxes in sections a and b for name of company and person who is to receive the permit. Complete boxes in sections c, d, e, f, g, h, and i or fill in N/A for non-applicable as they apply for the facility that the permit is to apply to.										
a. APPLICANT NAME (TO THE ATTENTION OF)				e. FACILITY SIC CODE		f. FACILITY COUNTY		g. DNR FACILITY NUMBER		
Peabody Midwest Mining, LLC. Attn: Jeffrey Olyphant				1211		Knox		U-00013, U-0015, and U-00021		
b. APPLICANT'S COMPANY AND COMPLETE MAILING ADDRESS				h. LATITUDE AND LONGITUDE OF APPROXIMATE FACILITY CENTER						
COMPANY NAME Peabody Midwest Mining, LLC.				Latitude			Longitude			
STREET ADDRESS 566 Dickeyville Rd				Degrees	minutes	seconds	degrees	minutes	seconds	
CITY Lynnville	STATE IN	ZIP CODE 47619		38°	38'	08"	87°	24'	02"	
c. FACILITY NAME				i. FACILITY TOWNSHIP, RANGE, SECTION, QUARTER SECTION						
Peabody Midwest Mining, LLC. Air Quality #1 Mine				Township		Range		Section		Quartersection
				T3N		R9W		58, 59 & 62-64		
				T2N		R9W		2-8, 58, 59 & 62		
d. FACILITY MAILING ADDRESS				j. FACILITY PHYSICAL LOCATION IF DIFFERENT FROM IId						
STREET ADDRESS 566 Dickeyville Road				STREET ADDRESS 2388 South Reel Road						
CITY Lynnville	STATE IN	ZIP CODE 47619		CITY Wheatland, IN	STATE IN	ZIP CODE 47597				

III. CONTACT INFORMATION AUTHORIZED SIGNATORY	
This section applies to the responsible corporate officer and/or alternate person who is authorized in writing by the responsible corporate officer to carry signatory responsibilities for the facility under 327 IAC 15-4-3 (g). Please complete all boxes or mark N/A for non-applicable. If the signatory is not a corporate officer please also submit the letter from the responsible corporate officer granting him/her this authority.	
a. APPLICANT SIGNATORY CONTACT PERSON AND TITLE	d. ALTERNATE PERSON TO ANSWER QUESTIONS
Jeffrey Olyphant, Authorized Representative	Andrew Nelson, Authorized Representative
b. APPLICANT SIGNATORY CONTACT PERSON TELEPHONE	e. ALTERNATE PERSON'S TELEPHONE
(812) 922-1047	(812) 922-1045
c. APPLICANT EMAIL ADDRESS	f. ALTERNATE PERSON'S EMAIL ADDRESS
jolyphant@peabodyenergy.com	anelson@peabodyenergy.com

IV. CONTACT INFORMATION OTHER:			
DISCHARGE MONITORING REPORTS CONTACT AND MAILING INFORMATION		c. <u>CONTACT AND COMPANY NAME</u> Jeffrey Olyphant Peabody Midwest Mining, LLC.	
a. <u>CONTACT TELEPHONE NUMBER</u> (812) 922-1047		d. <u>STREET ADDRESS</u> 566 Dickeyville Rd	
b. <u>CONTACT EMAIL ADDRESS</u> jolyphant@peabodyenergy.com		e. <u>CITY</u> Lynnville	f. <u>STATE</u> IN
		g. <u>ZIP CODE</u> 47619	
ANNUAL FEE AND FINANCIAL CONTACT AND BILLING ADDRESS		j. <u>COMPANY AND CONTACT PERSON NAME</u> Jeffrey Olyphant Peabody Midwest Mining, LLC.	
h. <u>CONTACT TELEPHONE NUMBER</u> (812) 922-1047		k. <u>STREET ADDRESS</u> 566 Dickeyville Rd	
i. <u>CONTACT EMAIL ADDRESS</u> jolyphant@peabodyenergy.com		l. <u>CITY</u> Lynnville	m. <u>STATE</u> IN
		n. <u>ZIP CODE</u> 47619	
OTHER CONTACT AND MAILING INFORMATION (SPECIFY BELOW)		q. <u>COMPANY AND CONTACT PERSON NAME</u> Andy Nelson Peabody Midwest Mining, LLC.	
o. <u>CONTACT TELEPHONE NUMBER</u> (812) 922-1045		r. <u>STREET ADDRESS</u> 566 Dickeyville Rd	
p. <u>CONTACT EMAIL ADDRESS</u> anelson@peabodyenergy.com		s. <u>CITY</u> Lynnville	t. <u>STATE</u> IN
		u. <u>ZIP CODE</u> 47619	

V. RULE QUALIFICATION:	
<p>The purpose of this rule is to regulate wastewater discharges from surface mining, underground mining, and reclamation projects which utilize sedimentation basin treatment for pit dewatering and surface run-off and to require best management practices for storm water run-off.</p> <p>Does this facility meet these requirements? (please check one) <u>YES</u> <u>X</u> <u>NO</u></p> <p>Please provide a brief description of the facility operation that results in the discharge. You may attach additional sheets.</p> <p>This facility is a surface coal mine. Stormwater is collected, and passed through sediment treatment structures designed by professional engineers to detain a 10year-24hour storm event.</p>	

VI. OUTFALL INFORMATION: Please fill out the following information FOR ALL OUTFALLS											
a. IDEM OUTFALL NO.	b. DNR BASIN NO	c. LATITUDE			d. LONGITUDE			e. DWBF*	f. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	h. Name of RECEIVING WATER <u>OR if g is</u> <u>YES</u> name of OPERATOR OF MUNICIPAL STORM SEWER, AND WATER IT DISCHARGES TO
		deg	min	sec.	deg	min	sec.				
See Attachment VI										Y / N	
										Y / N	
										Y / N	
										Y / N	
										Y / N	
										Y / N	

* DWBF – Dry Weather Base Flow

VII. OUTFALL INFORMATION FOR MODIFICATIONS: Please provide the following if this is a request to ADD, DELETE, or CHANGE MINE DRAINAGE STATUS of one or more outfalls:

a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. DEL, ADD, or CHANGE	d. DATE OF CHANGE	e. REASON FOR THE CHANGE: EXPLAIN IN DETAIL AND ATTACH CONFIRMING DOCUMENTATION IN THE FORM OF INSPECTORS REPORTS, LAB DATA, ETC.
003	003	CHANGE	1/1/2017	The drainage area is reporting to outfall 003 has been reclaimed. Therefore the outfalls mine drainage status is being changed to reclamation.
013	013	CHANGE	1/1/2017	The drainage area is reporting to outfall 013 has been reclaimed. Therefore the outfalls mine drainage status is being changed to reclamation.

VIII. TOPOGRAPHICAL MAP

A topographical map must be submitted with this application. The map must include the following items:

- (A) the location of the coal mining operation, including contiguous facility property lines, shown clearly and identified by name and by mark;
- (B) the location of each numbered outfall shown clearly and identified by number and by mark;
- (C) the receiving streams and tributaries to them that each outfall discharges to shown clearly and identified by name;
- (D) any existing permanent structures or roads in the area shown clearly and identified by name.

Please see the attached map.

IX. PROOF OF PUBLICATION

It is required that a public notice statement be published in a newspaper of largest circulation in the area where the discharge(s) will be occurring. This publication must be in the newspaper for a minimum of one day and must include the following language: (your facility name, address, address of the location of the discharging facility, and the streams receiving the discharge(s)) "is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirement under 327 IAC 15-7 to discharge wastewater associated with the mining of coal, coal processing and /or reclamation activities. Any person aggrieved by this action may appeal in writing to the Environmental Law Judge of the Office of Environmental Adjudication for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

- (A) state the name and address of the person making the request;
- (B) identify the interest of the person making the request;
- (C) identify any persons represented by the person making the request;
- (D) state with particularity the reasons for the request;
- (E) state with particularity the issues proposed for consideration at the hearing; and
- (F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:
Office of Environmental Adjudication
Indiana Government Center – North
100 North Senate Avenue, Room N501
Indianapolis, Indiana 46204"

Please attach proof of publication of this statement from the newspaper to the application and submit both together.

The public notice for this area was published with the original notice of intent and subsequent renewals. The outfalls being modified in this NOI are in an area that has previously been public noticed.

X. POTENTIALLY AFFECTED PERSONS FORM

Pursuant to IC 4-21.5 it is required that a Potentially Affected Person form be completed and submitted with this application. The form and instructions are attached.

No additional persons are potentially affected by the modification(s) contained herein. The original permit application and subsequent renewal included all potentially affected persons within, and adjacent to the permit area.

XI. REQUIRED FEES:

A \$50 application fee is required to be submitted with applications for new permits, permit modifications, and permit renewals in accordance with IC 13-18-20-12. In addition the \$500 annual fee is required to be submitted for NEW APPLICATIONS at the time of submitting the application.

A check payable to IDEM in the amount of \$ 50.00 is attached to this application.

XII. NOTIFICATION OF INDIANA DEPARTMENT OF NATURAL RESOURCES

It is required in all circumstances that a copy of this application is sent to the Indiana Department of Natural Resources (IDNR) Division of Reclamation in Jasonville, Indiana.

I have forwarded a copy of this application as is required to Mr. Brad Loveless, Indiana Department of Natural Resources, Division of Reclamation, 14619 West State Road 48, Jasonville, IN 47438 on this date.

XIII. CERTIFICATION STATEMENT

It is required by 327 IAC 15-4-3(g)(3) that the following statement shall be included in the application. The authorized signatory representative (as defined by 327 IAC 15-5-3(g)(2) and identified in item IIIa above) makes the following certification by signing and dating this section of the application below:

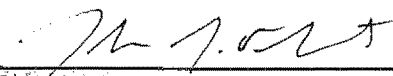
"I certify under penalty of law that this document and all its attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Jeffrey Olyphant, *Authorized Representative*

(812) 922-1047

Name and official title (type or print)

Area Code and phone No.


Signature

12/19/2016
Date signed

Submit completed form and attachments to the following address:

**Indiana Department of Environmental Management
Office of Water Quality – Mail Code 65-42
NPDES Permits Section
100 North Senate Avenue
Indianapolis, Indiana 46204-2251**

COMPLIANCE INSPECTION REPORT

Page 3 of 4

Permittee: Peabody Midwest Mining, LLC.
 Mine: Air Quality Mine
 Signature of Company Representative: NCOS
 Unit#: 49
 Date of Inspection: 08/08;09/2016
 Time: 11:00
 COMMENTS:

NPDES revision and renewal dated August 15, 2014 changed the outfall designation of outfalls 008 and 010. They are now identified as 108 and 110.

NPDES NUMBER ING040134								
NPDES Outfall	SB/PI NO.	NPDES Status	Flow	pH	Fe mg/l	Sett. Solids	Insp. Date	Notes:
003	003	ALK	NQ				8/09	S.Reel Rd.
007	007	ALK	NQ				8/09	S.Gray Barn Rd.
108	008	REC	NQ				8/08	NE-RA004
110	010	REC	NQ				8/08	NW-RA004
011*	SB001A	REC	NQ				8/09	@ Hart St Portal
012	012	ALK	L	8.0			8/08	Kessinger Ditch
013	013	ALK	NQ				8/08	Kessinger Ditch (partially dammed by muskrat activity)
Status: Acidic: ACID Alkaline: ALK Eliminated: DROP Reclamation: REC Undetermined: UND			Flow: None (N) Trickle (T) Low (L) Moderate (M) High (H)					

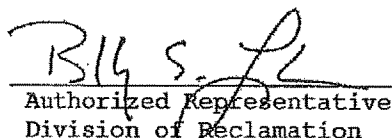
Annual 4th Quarter Impoundment Inspection Reports for impoundments SB008, SB010 and SB001A were received on January 11, 2016. The submittals were approved on January 21, 2016.

Reclamation within the watershed of basins 003 and 013 is complete. Consequently, these outfalls qualify for a status change from "active-alkaline" to "reclamation" and reduced monitoring frequency.

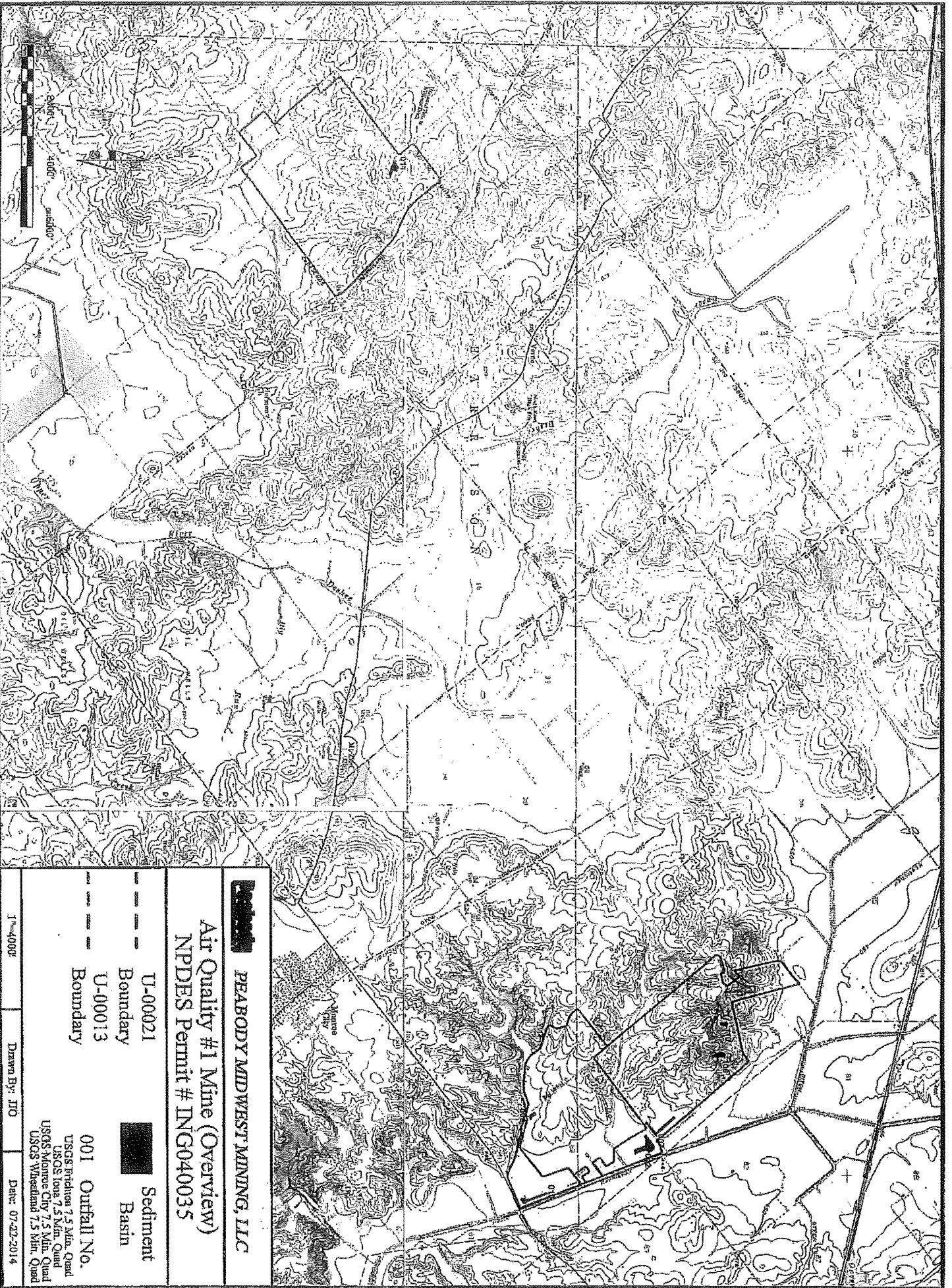
*Reclamation is complete and the watershed is eligible for final bond release, pending a land-use change. This basin is eligible for status change from REC to DROP.

9) On November 2, 2015, the permittee submitted acid-base accounting for the reclamation of slurry impoundment RA004. The submittal was approved on November 9, 2015. Net neutralization for the composite cover refuse material ranged from pH 8.1 to 9.3.

Signature:


 Authorized Representative
 Division of Reclamation

Date: August 9, 2016



PEABODY MIDWEST MINING, LLC

Air Quality #1 Mine (Overview)
NPDES Permit # ING040035

U-00021
 Boundary
 U-00013
 Boundary

 Sediment
 Basin

001 Outfall No.

USGS Ertchong 7.5 Min. Quad
 USGS Monroe City 7.5 Min. Quad
 USGS Wheatland 7.5 Min. Quad

1"=4000'

Drawn By: JTO

Date: 07-22-2014

